

IN THE UNITED STATES DISTRICT COURT
FOR THE ~~MIDDLE~~ BIRMINGHAM DISTRICT OF ALABAMA
MIDDLE

2018 OCT 19 A 11:04 2:18-cr-896-WHA

**DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.**

Inmate Identification Number:

Christopher DeShawn Montague #275888

(Enter above the full name(s) of the plaintiff(s) in this action)

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officed J. Mitchell

officer J. McClain

(individually and in their official capacities)

(Enter above full name(s) of the defendant(s)
in this action)

L Previous lawsuits

- A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment?
Yes () No (X)

B. If your answer to (A) is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s):

Npa

Defendant(s):

2. Court (if Federal Court, name the district; if State Court, name the county) N/A

3. Docket number N/A

4. Name of judge to whom case was assigned N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit N/A

7. Approximate date of disposition N/A

II. Place of present confinement Elmore Corr Fac 3520 Marion Spillway Rd
Elmore, Al 36025

A. Is there a prisoner grievance procedure in this institution?

Yes No

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes No

C. If your answer is YES:

1. What steps did you take? I filled out a request slip to the
warden as soon as it happened

2. What was the result? No answer and I was transferred the
next day

D. If your answer is NO, explain why not?

III. Parties

In item (A) below, place your name(s) in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff(s) Christopher Deshaun Montague

Address Elmore Corr. Fac 3520 Marion Spillway RD
Elmore, AL 36025

In item (B) below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item (C) for the names, positions, and places of employment of any additional defendants.

B. Defendant Officer J. Mitchell
is employed as Staten Corr. Facility
at 2690 Marion Spillway RD, Elmore, AL 36025

C. Additional Defendants Officer J. McClain
Staten Corr. Facility
2690 Marion Spillway RD
Elmore, AL 36025

IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.

1.) On 8-23-18 at Staten Corr facility at approx 8:30p.m.
I was assaulted "punched and kicked" by officers'
J. Mitchell and J. McClain
2.) Officers' claim I was moving during their institutional

I cant but I receive no disciplinary citation or reprimand
for no such act.

3.) Both officers McCain and Mitchell tackled me on
"Camera" in B-DRM

4.) Both officers took turns punching me in my face,
both my eyes, my ears and once I put myself in a →
cont.

V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

\$ 75,000 Compensatory Damages

\$ 75,000 Punitive Damages

"I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9th 2018

Christopher Hartnagel #275888
Signature(s)

- 4.) fetal position officer McCain began to kick me in my head, ribs, back and legs while officer Mitchell looked at.
- 5.) Once officer McCain had finished officer Mitchell came over and kicked me in my head, ribs, back and legs while officer McCain looked at.
- 6.) After the incident I asked both officers to take me to Medical and they told me to go clean the blood off of me and stay on my bunk and if I say anything they'll kill me next time.
- 7.) After shift had changed and both officers left I called Institutional Investigation and left a detailed message but they never came to see me.
- 8.) Capt. Howard was somehow made aware of the situation and I was then taken to Medical, given a body chart of my injuries and the Capt. and several other officers took pictures of my injuries to both my eyes, my face, head, back and ribs also my legs.
- 9.) I was told to write a statement and give to Capt. Howard at which I O.D.
- 10.) I also wrote a regret slip to the Warden, since facility has no grievance system in place
- 11.) less then 24 hrs. after incident I was transferred to Elmore corr. fac, where I have been given then run around about the name of officials who took the photo of injuries
- 12.) At all times officer J. McCain and officer J. Mitchell ~~acted~~ under the code of how "State law"

Christopher Montague-275888

Elmore C.F.
3520 Marion Spillway Rd
Elmore Al. 36025



Ms. Debra Hackett
Clerk of the Court: U.S. D.C.
~~Accredited~~ 1 Church St.
Montgomery, Al. 36104